

RECEIVED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEB 04 2011

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

WILLIE RUSH

(Name of the plaintiff or plaintiffs)

Local 73 S.E.I.U and
Chicago Public Schools

(Name of the defendant or defendants)

CIVIL ACTION

11-cv-805

Judge Virginia M. Kendall
Magistrate Jeffrey Cole

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is WILLIE RUSH of the county of
COOK in the state of ILLINOIS

3. The defendant is Local 73 S.E.I.U / Chicago Public Schools whose street address
is 300 S. Ashland / 125 S. Clark
(city) CHGO (county) COOK (state) ILLINOIS (ZIP) 60602 / 60603
(Defendant's telephone number) (312) - 787-5868

II The plaintiff sought employment or was employed by the defendant at (street address)
244 E Pershing Rd. (city) CHGO
(county) COOK (state) ILL (ZIP code) 60609

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.
(b) ☐ was hired and is still employed by the defendant.
(c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
(month) 09, (day) 10, (year) 10.

7.1 (Choose paragraph 7.1 or 7.2, do NOT complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

☒ has not ☐ has filed a charge or charges against the defendant, asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) 1 (day) 4 (year) 11.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

(b) If charges were filed with an agency indicated above, a copy of the charge is tached. ☒ YES. ☐ NO,

but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

~~7.1~~ 7.2 The defendant is a federal governmental agency, and
(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____
☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) _____ (day) _____ (year) _____.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

- (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.
- (b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) 1 (day) 11 (year) 11 a copy of which *Notice* is attached to this complaint.
9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:
- (a) ☒ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☒ other (specify): breach of duty of fair representation
against union, retaliatory discharge against CPS.
-
-
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

See attached charges

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [*check only those that apply*]

- (a) ☐ Direct the defendant to hire the plaintiff.
(b) ☒ Direct the defendant to re-employ the plaintiff.
(c) ☐ Direct the defendant to promote the plaintiff.
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
(f) ☐ Direct the defendant to (specify): _____

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
(h) ☒ Grant such other relief as the Court may find appropriate.

Willie Rush

Plaintiff's signature

Willie Rush

Plaintiff's name

Plaintiff's street address WILLIE RUSHT
816 E. 49th Apt 2N.

City Chicago State ILLINOIS ZIP 60615

Plaintiff's telephone number (773) 397-4715

Feb 04 2011
Date: 01-27-11

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Willie Rush**
816 East 49th St Apt 2n
Chicago, IL 60615

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

CERTIFIED MAIL 7010 1870 0002 0565 5283



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2011-01632

Michael J. Honkanen,
Investigator

(312) 869-8037

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

John P. Rowe
John P. Rowe,
District Director

1/7/2011
 (Date Mailed)

Enclosures(s)

cc: **SERVICES EMPLOYEES INTERNATIONAL UNION LOCAL**
73

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="margin-top: 10px;"> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right; margin-top: 10px;"> 440-2011-01632 </div> </div>	
Illinois Department Of Human Rights and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Willie Rush		Home Phone (Incl. Area Code) (773) 397-4715	Date of Birth 07-10-1958
Street Address City, State and ZIP Code 816 East 49th St Apt 2n, Chicago, IL 60615			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 73		No. Employees, Members 500 or More	Phone No. (Include Area Code) (312) 787-5868
Street Address City, State and ZIP Code 300 South Ashland Ave, Suite 400, Chicago, IL 60607			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between; font-size: x-small;"> Earliest Latest </div> <div style="text-align: right; margin-top: 5px;"> 09-29-2010 </div> <div style="margin-top: 10px;"> <input type="checkbox"/> CONTINUING ACTION </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>In or around 2005, I became a Union member with the Respondent. During my employment, I testified in a lawsuit involving a school official. Subsequently, I was suspended and laid off. Younger, less senior employees have not been laid off. The Respondent has not properly represented me.</p> <p>I believe that I have been discriminated against because of age, 52 (DOB July 10, 1958), and in retaliation, in violation of the Age Discrimination in Employment Act of 1967, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> Jan 04, 2011 <small>Date</small> </div> <div style="text-align: center;"> <small>Charging Party Signature</small> </div> </div>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	

RECEIVED EEOC
 JAN 4 2011
 CHICAGO DISTRICT OFFICE

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Willie Rush**
816 East 49th St Apt 2n
Chicago, IL 60615

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

CERTIFIED MAIL 7010 1870 0002 0565 5276



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2011-22349

Michael J. Honkanen,
Investigator

(312) 869-8037

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The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

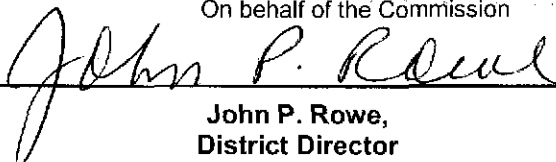
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On behalf of the Commission


John P. Rowe,
District Director


 (Date Mailed)

Enclosures(s)

cc: **WENDELL PHILLIPS ACADEMY/CHICAGO PUBLIC SCHOOLS**

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Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name WENDELL PHILLIPS ACADEMY/ CHICAGO PUBLIC SCHOOLS		No. Employees, Members 101 - 200	Phone No. (Include Area Code) (773) 535-1619
Street Address City, State and ZIP Code 244 E 39th St, Chicago, IL 60609			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 09-29-2010 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>On or about May 2, 2005, I began my employment with the Respondent. My most recent position was Custodian. During my employment, I testified in a lawsuit involving a school official. Subsequently, I was suspended and laid off. Younger, less senior employees have not been laid off.</p> <p>I believe that I have been discriminated against because of age, 52 (DOB July 10, 1958), and in retaliation, in violation of the Age Discrimination in Employment Act of 1967, as amended.</p>			
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Jan 04, 2011 <u>Willie Rush</u> Date Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

RECEIVED

JAN 4 2011

CHICAGO DISTRICT